

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Donald Hill Jr. on February 9, 2011.

2. The application has been amended as follows:

**Claim 26:**

¶ (e), line 4: "nozzle is arranged to discharge treatment fluid in a direction" has been changed to --nozzle extends into an internal annular cavity within said head portion of said flexible liner and is configured to direct treatment fluid--;

**Claim 27:**

Lines 1-2: "said head portion of said flexible liner has an internal annular cavity which, has been removed;

Line 3: --said internal annular cavity-- has been added before "forms a void--;

**Claim 39:**

¶ (d), Line 3: "wherein said at least one nozzle of each said teat cup is configured" has been changed to --wherein said at least one nozzle of each said teat cup extends into an internal annular cavity within said head portion of the associated flexible liner and is configured--;

**Claim 42**

Line 2: "an internal annular" has been changed to --said internal annular--;

**Claim 45:**

The ";" at the end of ¶ (a) has been changed to --, said teat cup further including at least one nozzle extending into an internal annular cavity within said head portion of the liner and configured to direct treatment fluid towards said discharge passageway of the flexible liner;--;

¶ (f), Line 2: "and flushing" has been changed to --and said at least one nozzle flushing--.

**Claims 52-63 have been cancelled.**

***Allowable Subject Matter***

3. **Claims 26-27, 29-39, 41-48, 50-51 and 64-65 are allowed.**
4. The restriction requirement between Group I and Group II, as set forth in the Office action mailed on 6/3/2010, has been reconsidered in view of the allowability of claims to the elected invention pursuant to MPEP § 821.04(a). **The restriction requirement is hereby withdrawn as to any claim that requires all the limitations of an allowable claim.** Claims 27, 27 and 29-38, directed to a teat cup are no longer withdrawn from consideration because the claim(s) requires all the limitations of an allowable claim. However, claims 52-63, directed to Species B and Species C, teat dip applicator, remain withdrawn from consideration because they do not all require all the limitations of an allowable claim.

In view of the above noted withdrawal of the restriction requirement, applicant is advised that if any claim presented in a continuation or divisional application is

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anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

Once a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

### ***Reasons for Allowance***

5. The following is an examiner's statement of reasons for allowance: The prior art, specifically Wipperfurth et al. (US 6,935,270), Guo (US 2002/0185071), Verbrugge (US 4,924,809) and Albright (US 3,696,790), fail to disclose a teat cup having a post-milk flushing means comprising a nozzle within a head portion of a flexible liner, wherein the nozzle extends into an internal annular cavity within the head portion of the flexible liner and is configured to direct fluid towards a discharge passageway of the flexible liner. Further the prior art fails to disclose or render obvious the milking method wherein the teat cup falls in an inverted position, after take-off from the teat, and the interior of the of the teat cup is flushed with treatment fluid discharged upwardly using at least one nozzle within the head portion.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIELLE CLERKLEY whose telephone number is (571) 270-7611. The examiner can normally be reached on M-TH 8:00 AM - 5:00 PM EST, F 8:00 AM - 4:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on (571) 272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kimberly S Smith/  
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/DANIELLE CLERKLEY/  
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